



U.S. Department of Justice

United States Attorney  
Southern District of New York

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86 Chambers Street  
New York, New York 10007

September 12, 2022

**BY ECF**

The Honorable Vernon S. Broderick  
United States District Judge  
United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: *Riverkeeper, Inc. v. Regan*, No. 17 Civ. 4916 (VSB)

Dear Judge Broderick:

On behalf of defendants and with the consent of all parties, I write in accordance with the Court's endorsed order dated August 12, 2022 [ECF No. 185], to provide an update on the parties' discussions regarding intervenor-defendant New York State Department of Environmental Conservation's ("NYSDEC") advanced notice of proposed rulemaking ("ANPRM"), which was referenced in defendants' August 10, 2022 letter to the Court [ECF No. 184]. On September 7, 2022, representatives of defendants, NYSDEC, and intervenor-defendant the City of New York ("NYC") had an extensive discussion with plaintiffs regarding NYSDEC's ANPRM, and wish to continue those discussions.

Accordingly, defendants respectfully request that the Court continue to hold in abeyance any action on the parties' pending cross-motions for summary judgment and NYSDEC's motion to amend its answer to assert a cross-claim against EPA [ECF Nos. 128, 150, 145, 154, 173], until **November 18, 2022**. Defendants further propose that the parties submit a joint status letter to the Court on or before **November 14, 2022**. This is the defendants' second request for the Court to hold these motions in abeyance. Plaintiffs and intervenor-defendants NYSDEC and NYC consent to this request.

We thank the Court for its consideration of this request.

Hon. Vernon S. Broderick  
September 12, 2022

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Respectfully,

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cc (via ECF): All counsel of record